

NOT TO BE PUBLISHED

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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA
THIRD APPELLATE DISTRICT
(Butte)**

In re S.C. et al., Persons Coming
Under the Juvenile Court Law.

C063250

BUTTE COUNTY DEPARTMENT OF
EMPLOYMENT AND SOCIAL SERVICES,

(Super. Ct. Nos.
J32266, J33648)

Plaintiff and Respondent,

ORDER MODIFYING OPINION AND
DENYING REHEARING

v.

[NO CHANGE IN JUDGMENT]

G.C.,

Defendant and Appellant.

THE COURT:

It is ordered that the opinion filed herein on September 9, 2010, be modified as follows:

Delete the fourth full paragraph beginning on page 10 and continuing through page 11, which states:

On remand, the juvenile court shall direct the Department to re-notice the tribes after fully performing its duty of inquiry under the ICWA, and to provide the court with copies of all documentation required by the ICWA to be made part of the record. If the court is satisfied that the Department has fully performed its duties and concludes the children are not Indian children, the court shall reinstate its

order terminating parental rights. If any tribe determines that one or both of the children are Indian children, the court shall proceed in accordance with the ICWA.

and **replace** it with the following:

On remand, the Department shall provide the juvenile court with copies of all documentation required by the ICWA to be made part of the record, and upon which the Department relies for its claim that the tribes have received sufficient notice under the ICWA. After inspecting this documentation, the court shall determine whether the tribes must be re-noticed. If the court finds that the Department has fully performed its duties of inquiry and notice under the ICWA, and that the children are not Indian children, the court shall reinstate its order terminating parental rights. If the court finds that the Department has not fully performed its duties under the ICWA, the court shall direct the Department to re-notice the tribes. If, upon re-notice, any tribe determines that one or both of the children are Indian children, the court shall proceed in accordance with the ICWA.

This modification does not effect a change in the appellate judgment.

With the above modification, the petition for rehearing is denied.

BY THE COURT:

HULL, Acting P. J.

BUTZ, J.

CANTIL-SAKAUYE, J.